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April 15, 2019

VIA ECF and FACSIMILE TO (267) 299-7428

The Honorable Eduardo C. Robreno, U.S.D.J.
U.S. Courthouse, Room 7614
601 Market Street
Philadelphia, Pennsylvania 19106

Re: **Richard Lieberman v. Playa Dulce Vida, S.A., et al**
USDC, EDPA, Docket No. 14-03393

Dear Judge Robreno:

I represent Richard Lieberman, Plaintiff in the above described Civil Action before Your Honor.

On Friday, April 12, 2019, at the request of Your Honor's Court Deputy Ronald Vance, counsel for Defendants, Patrick Troy, Esquire, and I, as counsel for Plaintiff, participated in a telephone conference in anticipation of the upcoming trial date starting on April 29, 2019, with the selection of a jury for the trial of this case. In that telephone conference, Mr. Vance informed us that the Court would proceed with the selection of a jury on April 29, 2019, with the commencement of trial on the morning of April 30, 2019, and would then only continue until Noon on Wednesday, May 1, 2019, whereupon the trial would then be suspended until the following Monday, May 6, 2019.

With full candor to the Court, I was more than shocked by the aforesaid turn of events with respect to this trial particularly given the colloquy which occurred surrounding the setting of the April 30, 2019 trial date in the first instance. The course of events for the trial previously had the case carrying over to Monday, May 6, 2019 only in the event the case did not conclude the previous Friday. The rest of the week of May 6, 2019 was not scheduled for the Lieberman trial. Alas, commencing on Wednesday, May 8, 2019, I start witness preparation in the case of Gulamnabi Vahora vs. Valley Diagnostics Laboratory Inc., et al., Case No. 1:16-cv-01624-SKO, in advance of

the commencement of trial in that case before the Honorable Sheila Oberto in the United States District Court for the Eastern District of California, Fresno Division, relative to which trial I am attached commencing the beginning of the following week of May 13, 2019. Should Your Honor require a copy of that trial attachment and Order of Judge Oberto, I would be more than happy to transmit the same, but I do not do so herewith because of the length of that Third Amended Pre-Trial Order.

Therefore, I am unable to continue the Lieberman trial into and through the week of May 6, 2019. Respectfully, the last minute change in the Court's trial schedule works a material prejudice to the Plaintiff. As counsel, I more than understand and appreciate the Court's authority and discretion with respect to trial matters. Nevertheless, the schedule suggested by Mr. Vance is simply not feasible.

I therefore respectfully request that the Court set a new trial date in the Lieberman matter for early September, the timeframe I originally requested when Your Honor directed the April 30, 2019 trial date. I am more than happy to reiterate the reasons why a trial date prior to early September is not practical or easily achievable given my other commitments and the vacation/travel schedules of counsel, of the parties and of the various witnesses.

I welcome a conference call with Your Honor and with Mr. Troy at the Court's soonest opportunity. I have conferred with Mr. Troy, and while his schedule does not present the same problems for the week of May 6, 2019, he was amenable to my requests made hereinabove.

I appreciate the Court's consideration and Your Honor's continuing courtesies in this case, and I await the Court's direction.

Respectfully submitted,



PHILIP S. ROSENZWEIG

PSR/mer

cc: Patrick J. Troy, Esquire (via ECF and electronic mail)
William E. Viss, Esquire (via ECF and electronic mail)
Barbara A. Fein, Esquire (via ECF and electronic mail)